

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KLAMATH-SISKIYOU WILDLANDS
CENTER, CENTER FOR BIOLOGICAL
DIVERSITY, and KLAMATH FOREST
ALLIANCE,

Plaintiffs,

v.

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES
SERVICE, and UNITED STATES FISH
AND WILDLIFE SERVICE,

Defendants,

and

FRUIT GROWERS SUPPLY
COMPANY,

Defendant-Intervenor.

Case No. [13-cv-03717-NC](#)

JUDGMENT

In accordance with the Court's April 3, 2015, summary judgment order and May 29, 2015, order concerning remedies, judgment is entered in favor of plaintiffs Klamath-Siskiyou Wildlands Center, Center for Biological Diversity, and Klamath Forest Alliance, and against defendants U.S. Fish and Wildlife Service ("FWS") and National Oceanic and Atmospheric Administration National Marine Fisheries Service ("NMFS") and defendant-

Case No.: [13-cv-03717-NC](#)

1 intervenor Fruit Growers Supply Company with respect to the claims concerning the
2 incidental take permits, the NMFS-issued biological opinion, the NMFS-issued incidental
3 take statement, and the Final Environmental Impact Statement.

4 Specifically, the Court VACATES the northern-spotted-owl incidental take permit
5 issued by FWS, the coho-salmon incidental take permit issued by NMFS, the coho-salmon
6 biological opinion issued by NMFS, coho-salmon incidental take statement issued by
7 NMFS, and the Final Environmental Impact Statement issued by both FWS and NMFS.

8 This case is REMANDED to the Fish and Wildlife Service and the National Marine
9 Fisheries Service for further proceedings consistent with this Court's April 3 and May 29
10 orders.

11 The clerk is ordered to terminate case No. [13-cv-03717-NC](#).

12 **IT IS SO ORDERED.**

13 Dated: May 29, 2015

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15 NATHANAEL M. COUSINS
16 United States Magistrate Judge
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